UNITED NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.
GENERAL

CAT/C/SR.457
26 June 2001

ENGLISH
Original: FRENCH

COMMITTEE AGAINST TORTURE

Twenty-sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 457th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 30 April 2001, at 10 a.m.

Chairman: Mr. BURNS

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.457/Add.1.

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The meeting was called to order at 10.20 a.m.

STATEMENT BY THE DEPUTY HIGH COMMISSIONER FOR HUMAN RIGHTS

1. The CHAIRMAN welcomed Mr. Ramcharan (Deputy High Commissioner for Human Rights) and invited him to address the Committee.

2. Mr. RAMCHARAN (Deputy High Commissioner for Human Rights) said that many voices were calling for reforms in the implementation of international human rights instruments, and he encouraged the Committee to seek new ways of enhancing its future effectiveness. After briefly evoking the main phases of the process that had led to the setting-up of an international regime for combating torture, he noted that as the Convention against Torture had not entered into force until 1987, it was fair to say that the Committee, which had not begun to function for the first time until 1988 and had only had 25 sessions, was still young, and its methods were evolving. Thus, the time seemed ripe to pose a few questions. How could the Committee speed up ratifications? What was its role in relation to the Special Rapporteur against torture, the optional protocol under discussion, the European Convention for the Prevention of Torture and the various international tribunals currently developing jurisprudence on that question? Concerning the prevention of torture, bearing in mind the recommendations of the Special Rapporteur on the question of torture in paragraph 1316 of the report which he had submitted to the Commission on Human Rights at its fifty-seventh session (E/CN.4/2001/66) and given that, according to the working group on a draft optional protocol to the Convention against Torture (E/CN.4/2001/67), many delegations found it positive that an instrument should establish the obligation of States parties to set up national mechanisms for the prevention of torture or encourage them to do so, what could the Committee do to spearhead the efforts of the international community in that area? In view of the persistence and, indeed, widespread nature of that practice, the Committee might also explore what room there was for combating torture more energetically within the framework of the Convention. Following the initial report, was there a case for asking States parties to submit periodic thematic reports and for monitoring their efforts to prevent torture? How could the jurisprudence of the Committee and other international and regional bodies be given greater prominence? What could the Committee recommend to the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance from its particular vantage point?

3. In closing, on behalf of the High Commissioner for Human Rights he wished the members of the Committee every success in their work.

4. The CHAIRMAN thanked the Deputy High Commissioner for his very stimulating and informative statement. Unfortunately, owing to its heavy workload during the session, the Committee would have difficulty in following through on Mr. Ramcharan's many suggestions for the time being. If the Committee were given greater means and allowed more time, it would gladly set out to undertake the analysis and tasks suggested. Concerning the World Conference against Racism, the Committee had drawn up a statement which, if adopted, would serve as a guideline for its activities and those of other committees.

The meeting was suspended at 10.45 a.m. and resumed at 10.55 a.m.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CAT/C/62)

5. Ms. GAER said that the agenda should not be so restricted as to prevent consideration of subjects of interest to the Committee, such as the draft optional protocol to the Convention, the preparatory meetings of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, relations with the Special Rapporteur on torture and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and subjects dealt with by the thematic rapporteurs (questions concerning women, children and discriminatory practices).

6. The CHAIRMAN said that he endorsed that proposal wholeheartedly.

7. Mr. RASMUSSEN suggested that the Committee also consider a working document prepared by Mr. Yakovlev and himself in response to a letter received from the Permanent Mission of Australia to the United Nations containing proposals for ways of improving the effectiveness of the bodies created under the international human rights instruments (document without a symbol distributed in English only at the twenty-fifth session).

8. The agenda was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

9. The CHAIRMAN said that the questions raised by Ms. Gaer and Mr. Rasmussen would be considered under agenda item 2 together with any other subject of interest to the Committee, including, in particular, the comments of members of the Committee on their participation in various meetings. In that connection, he drew attention to the meeting of the Committee with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture and the statement which the Committee must prepare for the United Nations International Day in Support of Victims of Torture, to be held on 26 June.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 3)

10. Ms. RUEDA-CASTAÑÓN (Secretary of the Committee) said that, of the 121 initial reports due between June 1988 and March 2001, 84 had been submitted and 37 were late. Of the 93 second periodic reports due between June 1992 and March 2001, 52 had been submitted and 41 were late. Of the 65 third periodic reports due between June 1996 and March 2001, 28 had been submitted and 37 were late. Of the 27 fourth periodic reports due by the end of March 2001, 6 had been submitted. Apart from the 8 reports to be considered at the current session, the secretariat had received 15 reports, which would appear in the programme of work of the Committee's future sessions: the reports of Benin, Denmark, Egypt, Indonesia, Israel, Luxembourg, Norway, Russian Federation, Saudi Arabia, Spain, Sweden, Ukraine, Uzbekistan, Venezuela and Zambia.

11. Mr. MAVROMMATIS said that he was very concerned about the number of late reports.

12. The CHAIRMAN wondered whether there was any point in the Committee's continuing to send reminders to States parties to ask them to speed up the process of preparing their reports and whether it might not be wiser to envisage other measures.

13. Mr. RASMUSSEN suggested that a member of the Committee visit a country that was having difficulty preparing its report in compliance with its obligation, and he cited as an example the assistance provided to Zambia by Mr. Sorensen.

14. The CHAIRMAN asked the secretariat whether it had information on assistance provided in that area, notably by the United Nations Centre in Turin.

15. Ms. GAER said that it would be useful to know whether States parties which had not submitted their initial report had benefited from such assistance.

16. Mr. BRUNI (Office of the High Commissioner for Human Rights) said that the Turin Centre held regular training courses for all States parties that requested them. He would provide more information on the subject at a later date.

17. Mr. GONZÁLEZ POBLETE wondered whether it might not be appropriate for the Committee to ask States parties that were more than 10 years late to submit a consolidated report grouping together several reports. The members of the Committee should also give thought to other measures for helping States prepare their reports. He noted that, as a precaution, he had declined Argentina's invitation to attend a number of meetings of bodies dealing with international human rights instruments, because too direct participation on his part would be incompatible with his role as Committee member, especially since he might be asked to be country rapporteur for Argentina.

18. Mr. MAVROMMATIS fully endorsed the idea of a consolidated report. Members of the Committee should seek a flexible and pragmatic method for contacts with States parties. It was also important for the Turin Centre's assistance to be better targeted so that States parties could derive greater benefit from it. He wondered whether, in the Committee's report to the General Assembly, it might not be useful to cite those States parties which had not complied with their obligations under the Convention.

19. The CHAIRMAN said that Mr. González Poblete's suggestion that defaulting States parties be asked to group together the various overdue reports in a single document was excellent. That might simplify the task for some of them and was also in keeping with the Committee's past practice in other circumstances.

20. Mr. González Poblete had been quite right to decline the invitation to go to Argentina, for which he had been asked to serve as country rapporteur. Although the Committee should try to simplify the work of States parties as much as possible, it must above all ensure that the procedure used was above reproach. It was true that Mr. González Poblete was in a very unusual situation. The Committee must refrain from making rules that were too inflexible and must adapt to the circumstances, as suggested by Mr. Mavrommatis. There was no reason why a

Committee member should not attend a working group held in a particular country on the preparation of reports, provided he was not that country's rapporteur. Members of the Committee should show their concern about helping countries, take an interest in the question and not leave it to the secretariat alone to provide States with guidance.

21. If the urgings of the Committee did not produce any results, and if its offers of assistance went unanswered, the Committee had only one remaining means of bringing pressure to bear: it could denounce the defaulting State publicly, as had rightly been suggested, by highlighting its case in a separate paragraph of its report to the General Assembly.

22. Ms. GAER said that the Committee should return to those questions when it considered Australia's document on the working methods of committees.

23. Mr. YAKOVLEV asked whether a State could remain a party to the Convention indefinitely even without submitting its initial report for a very long time. Did not the fact that, after a given length of time, a State had failed to submit a report call into question the reality of its accession to the Convention, and should not the Committee react more firmly in such cases? Otherwise, might such a state of affairs not discredit the Convention and jeopardize its very existence?

24. Ms. GAER agreed. That was a fundamental issue, and the Committee should envisage making rules on how to proceed not only when periodic reports were late, but also, and above all, when no report had been submitted at all. Some bodies apparently considered the situation in defaulting countries after a given period, even if they had never submitted a report.

25. Mr. CAMARA said that it would be clearer and more sensible to distinguish between countries which had never submitted an initial report and others: the former should be placed in a separate category.

26. Mr. MAVROMMATIS said that if the Committee permitted States to group their late periodic reports, they must be given some indications on how to do so, albeit not guidelines in the strict sense.

27. The CHAIRMAN said that the Committee would return to all those questions when it discussed the working methods of committees in the light of Australia's document.

The public part of the meeting rose at 11.40 a.m.